

NOV 13 2006

**FACSIMILE TRANSMISSION****GORDON & REES LLP**

ATTORNEYS AT LAW  
2100 ROSS AVENUE, SUITE 2600  
DALLAS, TX 75201  
PHONE: (214) 461-4050  
FAX: (214) 461-4053  
WWW.GORDONREES.COM

**DATE:** November 13, 2006**To:**

NAME	COMPANY	FAX No.	PHONE No.
Commissioner for Patents	USPTO	571-273-8300	

**FROM:** Thomas E. Hilbun

SENDER INFORMATION (NAME / USER ID / EXTENSION): / /

**FILE No.:** JMCV 1042212 **NUMBER OF PAGES, INCLUDING COVER:** 4

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE PHONE (214) 461-4050 AS SOON AS POSSIBLE.

**MESSAGE:**

Re: Response to Notice of Non-Compliant Amendment dated 11/07/06

Attached are the following:

- a. Response to Notice of Non-Compliant Amendment dated 11/07/06; and
- c. Transmittal Form

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED ONLY FOR USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THE FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

SAN FRANCISCO ♦ SAN DIEGO ♦ LOS ANGELES ♦ SACRAMENTO ♦ ORANGE COUNTY ♦ LAS VEGAS ♦ PORTLAND ♦ HOUSTON ♦ PHOENIX ♦ DALLAS ♦ NEW YORK

NOV 13 2006

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0631-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

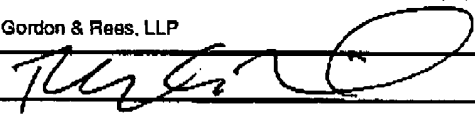
Total Number of Pages in This Submission

Application Number	10672,516
Filing Date	09/29/2003
First Named Inventor	McVay
Art Unit	3714
Examiner Name	harper, Tramar
Attorney Docket Number	MJMCV 1042212

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<b>Remarks</b> Response to Notice of Non-Compliant Amendment		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Gordon & Rees, LLP		
Signature			
Printed name	Thomas E. Hilburn		
Date	Nov. 13, 2006	Reg. No.	56,546

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Pat Milfeld	Date	Nov. 13, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
CENTRAL FAX CENTER

NOV 13 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Julian Clyde McVay

Serial No.: 10/672,516

Filed: September 29, 2003

For: Consonant Pain

Customer No.:

Confirmation No.:

Group Art Unit: 3714

Examiner: Tramar Harper

Docket No.: JMCV 1042212

I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE  
(FAX NO. (571) 273-8300) ON \_\_\_\_\_

Pat Millfeld

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Mail Stop AMENDMENT

Commissioner for Patents

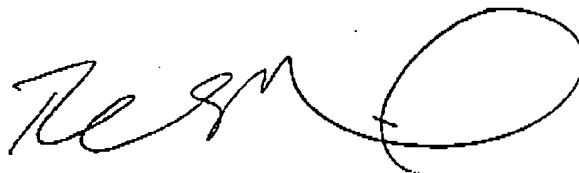
P.O.Box 1450

Alexandria, VA 22313-1450

Responsive to the Notice of Non-Compliant Amendment of November 7, 2006, please  
accept the corrected amendment to the above-identified application:

**Amendments to the Claims** are on pages 2 of this paper.

Respectfully Submitted,



Thomas E. Hilbun  
Attorney for Applicant  
Registration No. 56,546

Gordon & Rees LLP  
2100 Ross Avenue, Suite 2650  
Dallas, TX 75201  
214-231-4660 Telephone  
214-461-4053 Facsimile  
Docket: JMCV 1042212